

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

ABERDEEN, 12 September 2023. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae, Chairperson; and Councillors Clark, Cooke, Copland and Farquhar.

The agenda, reports and recording associated with this meeting can be viewed [here](#).

### **CRAIGBANK, 132 NORTH DEESIDE ROAD, PETERCULTER, ABERDEEN - 221543**

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for the formation of decking to the front, retrospectively at Craighbank, 132 North Deeside Road Aberdeen.

Councillor Mcrae as Chair for the meeting, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain with regards to the procedure to be followed and thereafter, by Ms Lucy Greene who would be acting as the Planning Adviser to the Body in the following case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority, she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

The Local Review Body was then addressed by Mrs McBain, Assistant Clerk in regard to the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 19 December 2022 ; (3) the decision notice dated 23 March 2023 ; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant; and (6) a representation received who objected to the application and also a consultation response from Roads Development Management.

Ms Greene then described the site and outlined the appellant's proposal which sought planning permission for the formation of decking to the front. The application site comprised a ground-floor flat in a granite two-storey building, that was shared with 134 North Deeside Road above, and 128 and 130 North Deeside Road to the east. The site sits within a designated Neighbourhood Centre. The property had a south-facing principal elevation that fronts onto North Deeside Road and a rear elevation with a

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garden that borders the rear gardens at School Road. To the west was Peterculter Parish Church, a category-C listed building. The existing driveway was shared by 132 and 134 North Deeside Road and extends from the road around the rear of the building. The driveway had a length of approximately 17m from the road to the front elevation of the dwelling. The site previously had a section of driveway sitting to the front of property measuring 5.3m in width which is under the ownership of the applicant. A recent planning permission was granted for a garage sitting on the west boundary of the site on the existing shared driveway.

Ms Greene explained that the decking measured 4.8m in width, 4.8m in length and 500mm in height from the ground level. The decking was also to be fitted with eight timber posts connected with rope, giving the decking an overall height of 1.5m. The decking was finished in an untreated light timber.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the decision notice was as follows:-

The siting, scale and design of the proposed decking was not acceptable, in that it was forward of the principal elevation, and was not compatible with the form and layout of the existing building as it appears as a separation from the building and unbalances the appearance of the front elevation. The decking also appeared prominent from the public road as it sits at an approximate eye level, above the existing boundary wall, having an adverse impact on the appearance of the existing street scene and visual amenity of the surrounding area. The proposal would not result in a significant change to the parking facilities on the site. One parking space would still be available for the applicant to use. The proposal would therefore not comply with Policy H1: Residential Areas, Policy D1: Quality Placemaking by Design of the Aberdeen Local Development Plan 2017, associated Supplementary Guidance; The Householder Development Guide and the relevant policies of the Proposed Aberdeen Local Development Plan 2020. The proposal was also considered acceptable against relevant policies (14 and 16) of National Planning Framework 4.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- They felt that all information had not been taken into account, including visibility splays;
- Queried the objection from a Dyce address, whilst stating that the Church supported the application;
- That decking was not too high as it was less than 50cm;
- Queries whether the appropriate policies had been used;
- Ownership issues
- Businesses nearby had outdoor seating areas; and
- Elevation was required as the decking was on sloping ground

Ms Greene advised that a new matter had been introduced in the Notice of Review that was not before the appointment officer, in relation to a statement of support from two local Councillors. Following legal advice, Members of the Local Review Body agreed

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unanimously to accept this new information and to consider it when determining the application.

Ms Greene advised that the applicant had expressed the view that a site visit should be undertaken.

The Chairperson and Councillors Clark, Cooke, Copland and Farquhar all indicated in turn that they each had enough information before them and therefore agreed that the review under consideration should be determined without any further procedure.

In terms of relevant policy considerations, Ms Greene referred to National Planning Framework 4 and the following policies:-

- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Regarding the Aberdeen Local Development Plan 2020, the following policies were relevant:-

- VC8: Town, District, Neighbourhood and Commercial Centres;
- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 – Amenity
- D6 – Historic Environment
- T3 – Parking

Ms Greene also made reference to the Householder Development Guide.

Ms Greene responded to various questions from members which included whether there was a presumption against decking areas being at the front of properties, how easy it would be to turn a vehicle round in the drive way and also screening for the decking in order for better amenity.

**Members each advised in turn and unanimously agreed to overturn the appointed officer's earlier decision to refuse the planning permission and approved the application conditionally.**

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

More specifically, the reasons on which the Local Review Body based this decision are as follows:-

That due to the location of the decking, set back some distance from the public street, in this instance it was considered acceptable in its impact on visual and residential amenity. Adequate parking and turning area would remain and there

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would be an insignificant impact on the setting of the nearby Cat C listed Peterculter Parish Church. The proposal therefore complied with policies H1: Residential Areas, D1: Quality Placemaking and D6: Historic Environment, as well as policy D2 Amenity and T3: Parking all in the adopted Aberdeen Local Development Plan 2023 and policies 1 (Tackling the Climate and Nature Crises), policy 2 (Climate Mitigation and Adaptation), policy 7 (Historic Assets and Places), policy 14 (Design) and policy 16 (Quality Homes) in the National Planning Framework 4 (NPF4).

**CONDITIONS**

This permission is granted subject to the following conditions.

**(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

**(02) PLANTING**

Any hedging plants which within a period of 5 years from the date of this permission, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - in the interests of the amenity of the area.

- **Councillor Ciaran McRae - Chairperson**